

REMARKS

Applicant thanks the Examiner for consideration given to the present application. Claims 1-22 are currently pending with claims 17-21 having being withdrawn from consideration. Claims 1, 2, 8, 9, 15 and 16 have been amended and claim 22 has been added through this reply. Claims 1, 8, 15 and 16 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seeks timely allowance of all pending claims.

The Claims Define Patentable Subject Matter

The Office Action rejects claims 1, 7, 8 and 14-16 under 35 U.S.C. § 102 (e) over U.S. Patent Publication No. 2004/0041924 to White et al. (White); rejects claim 2 under 35 U.S.C. § 103 (a) over White in view of U.S. Patent Publication No. 2002/0051225 to Karasawa; rejects claim 3 under 35 U.S.C. § 103 (a) over White in view of U.S. Patent No. 5,245,421 to Robertson et al. (Robertson); rejects claims 4 and 5 under 35 U.S.C. § 103 (a) over White in view of U.S. Patent No. 6,977,676 to Sato et al. (Sato); rejects claim 12 under 35 U.S.C. § 103 (a) over White in view of U.S. Patent No. 7,065,249 to Fushiki et al. (Fushiki); and rejects claim 13 under 35 U.S.C. § 103 (a) over White in view of U.S. Patent Publication No. 2002/0109854 to Murray et al. (Murray). These rejections are respectfully traversed.

Claims 1, 8, 15 and 16 recite *inter alia*, “the correction section not only detects the defect in the image but also prioritizes the positions at which the defect has been found based on a predetermined criteria and the predetermined criteria includes the eye-related defect being closer to a center of an angle of view having a highest priority.” The applied references fail to teach or suggest the recited features of independent claims 1, 8, 15 and 16.

White discloses a flow diagram that runs an eye color defect detection algorithm to detect candidate positions for eye color defects in digital images. The candidate positions of eye color defects are corrected using an eye color defect correction algorithm. The red-eye defect corrected image is displayed on an LCD before an electronic camera 10 indicated by a distinctive mark. See Paragraph [0041], [0043], and [0046] of White. Karasawa discloses processing based on a

preset priority level. However, the priority level is not based on an eye related defect being closer to a center of an angle of view. Robertson, Sato, Fushiki and Murray fail to cure the deficiencies of White and Karasawa. Thus, the applied references, alone or in any combination, fail to teach or suggest the recited features of independent claims 1, 8, 15 and 16.

For at least the reasons stated above, independent claims 1, 8, 15 and 16 are patentably distinct from the applied references. The dependent claims are at least allowable by virtue of their dependence on corresponding allowable independence claims 1, 8, 15 and 16.

Accordingly, withdrawal or the rejection of the claims based on the applied references is respectfully requested.

New Claim 22 is Patentable

New claim 22 is added. New claim 22 is patentable at least due to its dependence on allowable independent claim 1 and for the additional features it recites.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Obert Chu, Reg. No. 52,744, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: December 16, 2008

Respectfully submitted,

By Perry Caudle #46,607
D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant